

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CESAR ENRIQUE MCCULLOUGH
AND AMAYA ONTANON
Plaintiffs

VS.

U.S. BANK TRUST NATIONAL
ASSOCIATION, AS OWNER TRUSTEE
FOR VRMTG ASSET TRUST, AND FAY
SERVICING LLC
Defendants

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C.A. NO. 5:21-cv-00769-XR

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiffs, Cesar Enrique McCullough and Amaya Ontanon (“Plaintiffs”) hereby file this Stipulation of Dismissal with Prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and would respectfully show unto the Court as follows:

1. Plaintiffs filed this lawsuit against Defendants U.S. Bank Trust National Association, as Owner Trustee for VMTG Asset Trust (“Trustee”) and Fay Servicing, LLC (“Fay”) (collectively “Defendants”) in State Court on or about August 2, 2021. Defendants filed an Answer in the State Court Action and removed the matter to this Court on August 13, 2021 based on Diversity Jurisdiction. The Jurisdiction of this Court has not been contested.

2. Plaintiffs wish to dismiss all claims against Defendants with prejudice.

3. In conformity with Rule 41(a)(1)(A)(ii), this Stipulation is signed by all parties who have appeared in the action.

4. By this Stipulation, it is hereby stipulated that all claims and causes of action brought by Plaintiffs against Defendants, are dismissed with prejudice to re-filing same or any part thereof.

5. Plaintiffs and Defendants further stipulate that all costs of court, attorney's fees and other costs incurred are to be borne by the party incurring the same.

WHEREFORE, PREMISES CONSIDERED, all claims and causes of action brought by Plaintiffs against Defendants are dismissed with prejudice by stipulation of all parties.

Respectfully submitted,

By: /s/ Michael F. Hord Jr.
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**ATTORNEYS-IN-CHARGE FOR
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**ATTORNEYS-IN-CHARGE FOR
PLAINTIFFS**

CERTIFICATE OF SERVICE

On this 16th day of February, 2022, I hereby certify that a true and correct copy of the foregoing Stipulation of Dismissal Without Prejudice was forwarded as follows:

Carlo Garcia
Scott E. McCarty
Oliva Saks Garcia & Curiel LLP
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Via ECF

/s/ Michael F. Hord Jr.
Michael F. Hord Jr.